



FAIR POLITICAL PRACTICES COMMISSION

428 J Street • Suite 620 • Sacramento, CA 95814-2329
(916) 322-5660 • Fax (916) 322-0886

March 11, 2011

Council Member Kansen Chu
District 4, City of San José

REDACTED

Warning Letter Re: FPPC No. 11/112, Kansen Chu

Dear Mr. Chu:

The Fair Political Practices Commission (the "FPPC") enforces the provisions of the Political Reform Act (the "Act"),¹ found in Government Code section 81000, et seq. This letter is in response to a proactive investigation begun against you by the FPPC that alleged you accepted a gift in excess of the limits.

The FPPC has completed its investigation of the facts in this case. Specifically, the FPPC found that you accepted gifts of tickets from California Waste Solutions in October 2009 that exceeded the gift limit. The gift limit for calendar year 2009 was \$420 and the two tickets you received were valued in total at \$450. Once we wrote to you regarding this gift on February 23, 2011, you responded with a copy of a check you sent to California Waste Solutions on or about March 22, 2010, repaying the entire \$450.

The Act provides that no elected officer of a local government agency may accept gifts in excess of the applicable gift limit. Specifically, the Act states that elected officers of local government agencies may not receive a gift from any single source in any calendar year with a total value of more than \$250. (GC § 89503, subd. (a).) The \$250 gift limit is adjusted biennially to reflect changes in the Consumer Price Index, pursuant to Section 89503, subdivision (f). For calendar year 2009, the applicable gift limit was \$420 from a single source in a calendar year. Your actions violated the Act because you accepted a gift in excess of \$420. However, because you have provided proof that you repaid the gift shortly before you filed your 2009 Annual Statement of

¹ The Political Reform Act is contained in Government Code sections 81000 through 91014. All statutory references are to the Government Code, unless otherwise indicated. The regulations of the Fair Political Practices Commission are contained in sections 18110 through 18997 of Title 2 of the California Code of Regulations. All regulatory references are to Title 2, Division 6 of the California Code of Regulations, unless otherwise indicated.

Economic Interests when it appears you became aware of the violation, we have decided to close this case with a warning letter.

This letter serves as a written warning. The information in this matter will be retained and may be considered should an enforcement action become necessary based on newly discovered information or future conduct. Failure to comply with the provisions of the Act in the future will result in monetary penalties of up to \$5,000 for each violation.

A warning letter is an FPPC case resolution without administrative prosecution or fine. However, the warning letter resolution does not provide you with the opportunity for a probable cause hearing or hearing before an Administrative Law Judge or the Fair Political Practices Commission. If you wish to avail yourself of these proceedings by requesting that your case proceed with prosecution rather than a warning, please notify us within ten (10) days from the date of this letter. Upon this notification, the FPPC will rescind this warning letter and proceed with administrative prosecution of this case. If we do not receive such notification, this warning letter will be posted on the FPPC's website ten (10) days from the date of this letter.

If you have questions regarding this matter, please contact Adrienne Korchmaros at (916) 322-8241.

Sincerely,

REDACTED

✓ Gary S. Winuk, Chief
Enforcement Division

GSW:ak

cc: FPPC Technical Assistance Division